STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 16, 2010

Elvin "Speed" Fitzhugh
Spokane River License Manager
Avista Corporation
PO Box 413
Spokane, WA 99201

Subject: Response to Dispute Resolution Request from the Avista Corporation

Dear Mr. Fitzhugh:

The Department of Ecology (Ecology) accepts your request for an oral presentation to present your disputed claims to a Dispute Resolution Panel. I will be your point of contact during this dispute resolution process. My contact information is included at the end of this letter.

The oral presentations are a chance for you to clarify or reinforce your disputed claims and the items included with your dispute resolution request. The oral presentation meeting has been scheduled for:

Date and Time: **April 5, 2010 from 12:00pm to 5:00pm**
Location: Spokane Fire Department Training Complex
1618 N. Rebecca Street, Spokane WA 99217

The oral presentations will be facilitated by a member of Ecology's Rules Unit with experience as a facilitator and hearings officer. Each disputing party (the City of Coeur d'Alene, the City of Post Falls, HARSB, Inland Empire Paper Co., Avista, and Sierra Club) will be given equal time to speak to the panel. Representatives from Ecology's Eastern Regional Office who are responsible for the *Spokane River and Lake Spokane Dissolved Oxygen TMDL* will have equal time to speak to the panel in response to the information from the disputing parties' request letters. During each presentation, the panel may ask questions for clarification. The panel will have up to 15 minutes for a question and answer period at the end of each presentation.

It is important to note that this is not a public hearing or judicial procedure. It is an opportunity for this TMDL to be reviewed by a dispute resolution panel. The panel consists of Ecology officials and an external expert not involved in the development of the TMDL to ensure Ecology and EPA procedures were correctly followed.

A digital audio/visual projector will be available as will a laptop if you wish to present digital information. If you would like to use our laptop, I suggest the format of your materials be compatible with standard Microsoft Office applications and that you bring that information on a portable memory device (like a USB style "memory stick"). If you bring your own laptop, you will be able to connect it to the projector with a standard digital video connection. It would also be a good idea to bring five printed copies of the presented material to give to the panel members.

If you have questions or concerns, please contact me.

Sincerely,

Dustin Bilhimer
Spokane TMDL Dispute Resolution Coordinator
Desk phone: (360) 407-6480
Fax: (360) 407-6426
Email: dustin.bilhimer@ecy.wa.gov

cc: Gary Allen
Bradford Doll
James Tupper
Rachael Paschal Osborn
Laurie Mann
Kelly Susewind